

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicant would like to thank the Examiner for the indication that claims 12, 16, 20 and 47 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of their base claim and any intervening claims.

In the Official Action, the Examiner rejects claims 3-7 and 45-47 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claims 3-7, the Examiner argues that the language “the X-ray chip is formed in flange shapes outwards with respect to an axis of the second cylindrical member” in claim 3 is grammatically incorrect and is unclear. The Examiner particularly points out that the term “formed in flange shapes outwards” is unclear and grammatically incorrect. In this regard, the Examiner assumes that the same is intended to cover element 52 in Figures 1A and 1B and interprets the objectionable phrase as the-- x-ray chip having an annular projection that extends radially outwardly from the outer surface of the second cylindrical member-- for the purposes of examination.

In response, Applicants disagree with the narrow scope suggested by the Examiner for amendment of claim 3. However, Applicants have amended claim 3 to improve the grammar and clarity thereof.

With regard to claims 45 and 46, the Examiner argues that the same are also unclear because the phrase “releasing a state of the first cylindrical member held by friction.” In this regard, the Examiner argues that the first cylindrical member has not been described as

being held by friction in the claims or specification. The Examiner is under the impression that the second cylindrical member is held by friction relative to the forceps channel of the endoscope. In response, claims 45 and 46 have been canceled, thereby rendering the rejection thereof moot.

Accordingly, it is respectfully requested that the objections to the claims be withdrawn.

In the Official Action, the Examiner rejects claims 1-6, 8-11, 13-15 and 17-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,514,261 to Randall et al., (hereinafter "Randall"). Furthermore, the Examiner rejects claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Randall.

In response, allowable claims 12, 16, 20 and 47 have been amended to include the limitations of their base claims and any intervening claims. The dependent claims, where necessary, have been canceled or amended to change their dependency from a canceled base claim.

Furthermore, although claim 7 is not indicated as allowable, it is not subject to a prior art rejection. Thus, the Applicants respectfully submit that claim 7 should also be indicated as allowable, with claims 2, 16, 20 and 47. In this regard, claim 7 has also been amended to include the limitations of its base claim and any intervening claims.

Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-6, 8-11, 13-15, 17-19, 21 and 22 under 35 U.S.C. §§ 102(b) and 103(a).

Furthermore, new claims 48-56 have been added to further define the patentable invention. New claims 48-56 are fully supported in the original disclosure. Specifically, new claims 48-50 are supported at original claim 7; new claims 51-53 are

supported at original claim 16 and new claims 54-56 are supported at original claim 20. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 48-56. Applicants respectfully submit that new claims 48-56 are at least allowable as depending upon an allowable base claim (7, 16 and 20).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

/Thomas Spinelli/

Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm